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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,647	08/17/2001	Douglas Anthony Able	2001-0099.01	4582
21972	7590	04/05/2005	EXAMINER	
LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			PENDERGRASS, KYLE M	
		ART UNIT	PAPER NUMBER	
		2624		
DATE MAILED: 04/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/932,647	ABLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kyle M Pendergrass	2624	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/01.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear when is the starting time used to calculate "the time for said mirror to reach said reduced speed" of claim 2. The starting time could start from when the timer is started in the ready state, or it could start at the end of the predetermined time interval.

Additionally, regarding claim 2, the term "substantially" is not clear as to how much the compared times differ. Please clarify.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph because it depends on rejected claim

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 6 359 642).**

Regarding claim 1, **Smith et al.** teach a method of controlling (fig 2, controller 11) a printer (fig 1, Printer 10) having a ready status and an on-but-not-ready status (column 3:lines 24-26, printer 10 operates in print mode, i.e. ready status, and idle mode, i.e. on-but-not-ready status) comprising: starting a timer when said printer is in said ready status only when a predetermined control signal is entered into said printer, continuing said printer in said ready status until said timer defines a predetermined time interval, and changing said printer to said on-but-not-ready status when said timer defines said predetermined time interval (column 3:lines 26-29, time is accounted for when printer becomes inactive, which inherently requires a timer. Additionally, the time is controlled to start by an inherent control signal. The printer stays in print mode until the time reaches a predetermined time period. Then the printer moves to idle mode).

Regarding claim 2, **Smith et al.** teach the method as in claim 1 and further teach that, as known in the art, said printer has a mirror (column 1:line 27, a laser mirror with drive unit) rotated at a first speed for optical scanning (column 1:line 28-30, mirror is rotated at a predetermined speed via the drive unit), and said printer reduces said speed of rotation of said mirror at said on-but-not-ready status (column 1:lines 34-44, the drive unit rotating the mirror is slowed when the power is reduced in the idle state). **Smith et al.** teach a warm-up time (column 1:lines 56) in addition to the idle mode time. Additionally, **Smith et al.** teach wherein said predetermined time interval (i.e. the inactive time period that sets the printer into idle mode) is substantially less than the time for said mirror to reach said reduced speed and to return to said first speed (In the rejection, the time for the mirror to reach the reduced speed is being interpreted as the length of time from when the timer starts at a predetermined control signal entered into the printer to when the time the mirror reaches said reduced speed. With this interpretation, said predetermined time interval (i.e. the inactive time period that sets the printer into idle mode) is substantially less than the time for said mirror to reach said reduced speed).

Regarding claim 3, **Smith et al.** teach the method as in claim 1 and further teach a printer receiving scanner-dependent input as the predetermined signal (*column 3:lines 1-6*). Note that *said signal defining said predetermined time based in the time between said scanned pages*, although not mentioned specifically by **Smith et al.**, is essential if the input from the scanner is to function without the printer going into idle mode before the scanner is finished sending input into the printer. The timing between scanned pages is inherently accounted for in the timing for going into idle mode, otherwise the printer may go into idle mode before the scanner can send another page. Therefore, *said signal defining said predetermined time based in the time between said scanned pages* is inherent to the teachings of **Smith et al.**

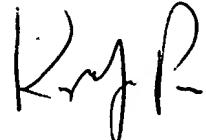
Regarding claim 4, **Smith et al.** teach the method as in claim 2 and further teach a printer receiving scanner-dependent input as the predetermined signal (*column 3:lines 1-6*). Note that *said signal defining said predetermined time based in the time between said scanned pages*, although not mentioned specifically by **Smith et al.**, is essential if the input from the scanner is to function without the printer going into idle mode before the scanner is finished sending input into the printer. The timing between scanned pages is inherently accounted for in the timing for going into idle mode, otherwise the printer may go into idle mode before the scanner can send another page. Therefore, *said signal defining said predetermined time based in the time between said scanned pages* is inherent to the teachings of **Smith et al.**

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Pendergrass whose telephone number is (571) 272-7438. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440.

KING Y. POON  
PRIMARY EXAMINER



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